

MINUTES

SENATE COMMITTEE ON COMMITTEE OF THE WHOLE SENATE

Tuesday, January 25, 2011

8:00 AM

Senate Chamber

Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Committee of the Whole Senate was held on Tuesday, January 25, 2011, in the Senate Chamber.

MEMBERS PRESENT:

Lt. Governor David Dewhurst
Senator Brian Birdwell
Senator John Carona
Senator Wendy Davis
Senator Bob Deuell
Senator David Dewhurst
Senator Robert Duncan
Senator Rodney Ellis
Senator Kevin Eltife
Senator Craig Estes
Senator Troy Fraser
Senator Mario Gallegos, Jr.
Senator Chris Harris
Senator Glenn Hegar
Senator Juan Hinojosa
Senator Joan Huffman
Senator Mike Jackson
Senator Eddie Lucio, Jr.
Senator Jane Nelson
Senator Robert Nichols
Senator Steve Ogden
Senator Dan Patrick
Senator Jose Rodriguez
Senator Kel Seliger

MEMBERS ABSENT:

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Senate Committee on Committee of the Whole Senate

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Senator Florence Shapiro
Senator Carlos Uresti
Senator Leticia Van de Putte
Senator Kirk Watson
Senator Jeff Wentworth
Senator Royce West
Senator John Whitmire
Senator Tommy Williams
Senator Judith Zaffirini

Pursuant to the passage of Senate Resolution 79 on Monday, January 24, 2011, Senator Robert Duncan called the Committee of the Whole Senate to order at 12:37 p.m. There being a quorum present, the following business was transacted:

Senator Duncan recognized Senator Fraser on SB 14, relating to the requirements to vote, including presenting proof of identification; providing criminal penalties. Debate on SB 14 resumed.

Senator Zaffirini moved to enter exhibit #4 into the record (Texas drivers photo identification of Reymundo Martinez). Without objection, the motion was adopted by unanimous consent.

Senator Zaffirini moved to enter exhibit #5 into the record (Spencer Overton letter). Without objection, the motion was adopted by unanimous consent.

At 2:18 p.m., Senator Duncan announced that the Committee of the Whole would stand at ease.

At 2:32 p.m., the Committee of the Whole resumed discussion on SB 14.

Senator Van de Putte moved to enter exhibit #6 into the record (Texas Legislative Council map). Without objection, the motion was adopted by unanimous consent.

Senator Davis moved to enter exhibit #7 into the record (flow chart of the photo identification process).

Senator Fraser moved to enter exhibit #8 into the record (Lighthouse Opinion Poll).

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Senator Duncan called the following persons to provide invited testimony on SB 14 (see attached list).

Senator Eltife assumed presiding duties at 3:57 p.m.

Senator Duncan resumed presiding duties at 4:13 p.m.

Senator Eltife assumed presiding duties at 4:23 p.m.

Senator Duncan resumed presiding duties at 4:48 p.m.

At 5:28 p.m., Senator Duncan announced that the Committee of the Whole would stand at ease.

At 5:45 p.m., the Committee of the Whole resumed testimony on SB 14. Senator Duncan recognized resource witnesses to respond to questions from members.

Senator Duncan announced that exhibit #9 (Rebecca Davio DPS map) would be entered into the record.

Senator Eltife assumed presiding duties at 5:55 p.m.

Senator Duncan resumed presiding duties at 6:07 p.m.

Senator Deuell assumed presiding duties at 7:25 p.m.

Senator Duncan resumed presiding duties at 7:32 p.m.

Senator West entered exhibit #10 into the record (Letter from Texas Congressional Democrats opposing SB 14). Without objection, the motion was adopted by unanimous consent.

Senator Duncan called the following persons to provide public testimony on SB 14 (see attached witness list).

With no other witnesses registered, Senator Duncan moved that public testimony be closed. Without objection, it was so ordered.

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Senator Van de Putte entered exhibit #11 into the record (Testimony from Lydia Camarrio, Vice President, of the Southwest Voter Registration Education Project). Without objection, the motion was adopted by unanimous consent.

Senator West entered exhibit #12 into the record (Letter from LULAC regarding opposition to SB 14). Without objection, the motion was adopted by unanimous consent.

Senator Fraser moved that SB 14 be reported to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 20 ayes, 12 nays, 0 absent and 0 present not voting.

Senator Duncan recognized Senator Wentworth at 9:18 p.m., who moved that the Committee of the Whole Senate rise and report progress. Without objection, it was so ordered.

Senator Robert Duncan, Chair

Patsy Spaw, Secretary of the Senate

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SENATE

9/2/2014

NOTICE OF PUBLIC HEARING

2:13-cv-00193

COMMITTEE: Committee of the Whole Senate
TIME & DATE: 8:00 AM, Tuesday, January 25, 2011
PLACE: Senate Chamber

** PLEASE NOTE THAT THE SENATE WILL CONVENE AT 8:00 A.M.

Upon adoption of the appropriate motion, the Senate will resolve into the Committee of the Whole Senate to consider the following:

SB 14 Fraser/et al.

Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The Committee will hear invited and public testimony on SB 14.

At 11:00 a.m., the Senate will reconvene to consider miscellaneous resolutions.

Upon completion of the Senate's business, the Senate will once again resolve into the Committee of the Whole and testimony will resume.

Interested parties may appear and provide written or oral testimony by submitting a witness affirmation card. Persons wishing to submit written testimony must provide 40 copies with their witness affirmation card.

Witness affirmation cards will be available at 7:30 a.m. on the day of the hearing at the Witness Registration Desk located in front of the Senate Chamber on the 2nd Floor of the Capitol.

Witnesses and the public are invited to observe the proceedings of the Committee from the Senate Gallery on the 3rd Floor. Witnesses who have registered to testify will have their names called by the Chair at least 5 minutes before they are scheduled to appear. As names are called, witnesses should check in at the Witness Registration Desk for admission into the Senate Chamber for their testimony.

For any questions regarding the hearing, please contact Patsy Spaw (512) 463-0100.

WITNESS LIST

Committee of the Whole Senate
January 25, 2011 8:00 AM

SB 14

FOR:

Bonnet, Jerry General Counsel (Office of the Indiana Secretary of State), Indianapolis, IN
Engelbrecht, Catherine (King Street Patriots/True the Vote), Richmond, TX
Kitson, Carol (True the Vote), Houston, TX

AGAINST:

Bearden, Chase (Coalition of Texans with Disabilities), Austin, TX
Bledsoe, Gary L. (Texas State Conference of NAACP Branches), Austin, TX
Burke, Terri (ACLU of Texas), Austin, TX
Espanza, Alfredo C. (LULAC), San Antonio, TX
Figueroa, Luis (Mexican American Legal Defense and Educational Fund (MALDEF)),
San Antonio, TX
Flores, Hector M. (LULAC), Duncanville, TX
Gomez, Jessica (Advocacy, Inc. & Disability Policy Consortium), Austin, TX
Patrick, John (Texas AFL CIO), Friendswood, TX
Pena, Roman (American G.I. Forum, C.P. Garcia Chapter), San Antonio, TX
Priutt, Anita (League of Women Voters, Texas), Austin, TX
Rosales, Rosa (National Alliance for Education & Equity & LULAC), San Antonio, TX
Salazar, Placido (also providing written testimony) (Dr. Hector P. Garcia American GI
Forum), Universal City, TX
TaFoya, Marcelo (LULAC District 12), Austin, TX
Tijerina, Andres (Self), Austin, TX

ON:

Davio, Rebecca (Texas DPS), Austin, TX
McGeehan, Ann (Office of the Secretary of State), Austin, TX
Ward, Christian J. (Self), Austin, TX

Registering, but not testifying:

For:

Blakemore, Allen F. (Conservative Republicans of Texas), Houston, TX
Carlson, Pat (Texas Eagle Forum), Ft. Worth, TX
Chow, Joseph (Self), Houston, TX
Delgado, Rachel (Self), Texas City, TX
Griffin, Travis (Republican Party of Texas), Austin, TX
Iverson, Michael (King Street Patriots), Sugar Land, TX
Jursen, Linda S. (King Street Patriots - True the Vote), Sugar Land, TX
Kinley, Melinda (True the Vote/King Street Patriots), Houston, TX
Sims, Randy (Self), Houston, TX
Stanko, Marian K. (Republican Party and Election Judges), San Antonio, TX
Wong, Martha (Self), Houston, TX

Against:

Acevedo, Fidel (Council 4860 (LULAC)), Austin, TX

WITNESS LIST

Committee of the Whole Senate

January 25, 2011 8:00 AM

Achilles, Jenny (Self), Austin, TX
Arguelles, Francisco (Houston Unido - Colectivo Flatlander), Houston, TX
Blackwell, Tom (Self), Dallas, TX
Boone, Daniel (ADAPT), Austin, TX
Boyte, Melanie (ADAPT), Hutto, TX
Butler, Natalie (UT Austin Student), Austin, TX
Casso, Amy (LaFe Policy Research & Education Center), San Antonio, TX
Castillo, Sergio (LULAC 12), Round Rock, TX
Coleman, Philip (also providing written testimony) (ADAPT of Texas), Austin, TX
Cranston, Cathy (also providing written testimony) (PACT/ADAPT), Austin, TX
Cranston, Ron (PACT/ADAPT of Texas), Austin, TX
Crawford, Mellisa (ADAPT), Manor, TX
Crenshaw, Sandra (NIA), Dallas, TX
Garcia, Daniel (Houston Unido), Houston, TX
Gay, Clifford (Self), Buda, TX
Gutierrez, Anthony (Texas Democratic Party), Austin, TX
Herrera, John R. (Houston Unidos), Houston, TX
Kafka, Bob (Institute for Disability Access), Austin, TX
Littles, Paula R. (Self), Austin, TX
Martinez, Amalia (LULAC 12), Austin, TX
Martinez, Feliciano (Houston Unite - Alianza Mexicana), Houston, TX
McPhail, Jennifer (ADAPT of Texas), Austin, TX
Mendoza, Raymundo (Living Hope Wheel Chair Association), Katy, TX
Mitchell, Marshall (ADAPT), Austin, TX
Parks, Scott Michael (Self), Austin, TX
Patel, Vinisha (Houston Unidos), Sugar Land, TX
Quan, Gordan (Asia Society Texas Center), Houston, TX
Richie, Boyd L. (Texas Democratic Party), Austin, TX
Rodgers, Ray (Asian Chamber), Katy, TX
Romero, Jesse (Self), San Antonio, TX
Rubac, Gloria (Houston Unido), Houston, TX
Salovitz, Heiwa (ADAPT), Austin, TX
Shafto, Deborah (Houston Unido), Houston, TX
Smith, Bryson McCall (Coalition with People with Disabilities), Austin, TX
Wittie, David (also providing written testimony) (ADAPT of Texas), Austin, TX
Woods III, John O. (Self), Austin, TX

On:

Baxter, Barbara (Self), Austin, TX
Maxwell, David Deputy Director of Law Enforcement (Attorney General's Office), Austin, TX

Committee of the Whole Exhibits on S.B. No. 14

- Exhibit 1 Transcript, exhibits, and written testimony on S.B. 362, Committee of the Whole, 81st Legislature, 2009.
- Exhibit 2 Daily *Senate Journals* for March 10, 16, 17, and 18 and the Addendum to the March 17 *Senate Journal* (contains all actions taken by the Senate of the 81st Legislature on SB 362, including motions, remarks, written responses, exhibits, and any other material directly related to SB 362).
- Exhibit 3 Secretary of State Hope Andrade's letter (1/25/11) to Senator Fraser re inquiry about the availability of Help America Vote Act (HAVA) federal funds to implement the statewide voter education program required by S.B. 14.
- Exhibit 4 Texas Driver License submitted by Senator Zaffirini.
- Exhibit 5 Letter to Senator Zaffirini (1/24/11) from Spencer Overton, Professor of Law, The George Washington University Law School, re the Carter-Baker Commission recommendations on Federal Election Reform and S.B. 14.
- Exhibit 6 "Counties with Department of Public Safety Drivers License Office Closures" Map produced by the Texas Legislative Council submitted by Senator Zaffirini.
- Exhibit 7 Chart depicting the requirements, process, and potential costs for obtaining a State ID created and submitted by Senator Davis.
- Exhibit 8 LIGHTHOUSE OPINION POLLING, Fall 2010 Statewide Landscape Benchmark Survey submitted by Senator Fraser.
- Exhibit 9 "Driver License Offices in Texas" Map prepared by the Department of Public Safety Map submitted by Senators Williams and Davis.
- Exhibit 10 Letter to Senator Van de Putte from Texas members of Congress Sheila Jackson Lee, Eddie Bernice Johnson, Charles Gonzalez, Lloyd Doggett, Gene Green, Ruben Hinojosa, Silvestre Reyes, and Al Green submitted by Senator West.

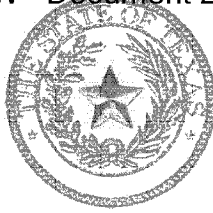
Exhibit 11 Written testimony of Lydia Camarillo, Vice President of Southwest Voter Registration Education Project submitted by Senator Van de Putte.

Exhibit 12 Written testimony of Luis Roberto Vera, Jr., National General Counsel, League of United Latin American Citizens, submitted by Senator West.

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Esperanza "Hope" Andrade
SECRETARY OF STATE
State of Texas

January 25, 2011

The Honorable Troy Fraser
Texas Senate
PO Box 12068-Capitol Station
Austin, Texas 78711

Dear Senator Fraser:

You have inquired about the availability of Help America Vote Act (HAVA) federal funds to implement the statewide voter education program that Senate Bill 14 requires my office to undertake. As you know, my office has estimated that an educational program would cost \$2,000,000. Please be advised that the state has sufficient HAVA funds allocated for voter education and poll worker training that would cover this estimated expenditure.

Based on conversations that my staff has had with the United States Election Assistance Commission (EAC), which oversees state HAVA spending, EAC would approve the use of the state's HAVA funds for a statewide effort to inform voters of the proposed SB 14 photo identification standards. While we have received this informal guidance, we are also seeking a formal opinion from the EAC for further confirmation.

Please do not hesitate to contact me should you have any further questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Hope Andrade".

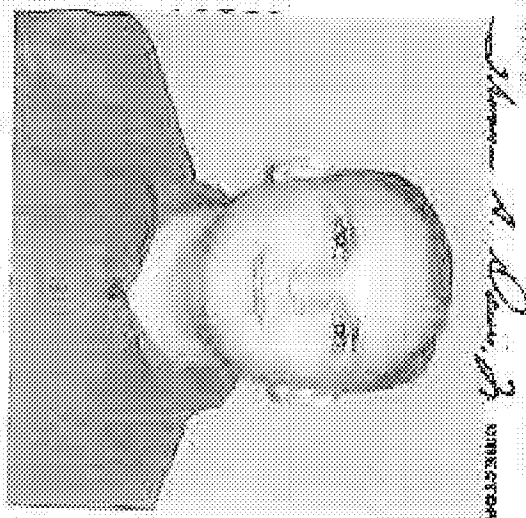
Hope Andrade

Post Office Box 12697, Capitol Station
Austin, Texas 78711-2697
512-463-5770
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CLAS: C DL: HT: 6-0
DOB: 10-18-11 EYES: BRN
SEX: M

TEXAS
DEPARTMENT OF PUBLIC SAFETY
DRIVER LICENSE

Thomas A. Davis, Jr.
DIRECTOR

Exhibit 4

JA_001161

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THE GEORGE
WASHINGTON
UNIVERSITY
LAW SCHOOL
WASHINGTON DC

SPENCER OVERTON
PROFESSOR OF LAW
(202) 994-9794
SOVERTON@GWU.EDU
WWW.SPENCEROVERTON.COM

January 24, 2011

Senator Judith Zaffirini
P.O. Box 12068
Austin, Texas 78711

Dear Senator Zaffirini:

I write in reference to Senate Bill 14 ("S.B. 14"), which proposes to enact in Texas a Voter ID law which would be among the most strict in the nation. In particular, I write to refute claims that S.B. 14 is consistent with the recommendations of the Carter-Baker Commission on Federal Election Reform. As a commissioner on that Commission, I write to clarify that S.B. 14 is inconsistent with the Commission's recommendations, which contemplated requiring voters to present photo ID only if specific safeguards were present that are currently lacking in S.B. 14.

Although the majority of Commissioners supported the use of the REAL ID (which includes a photo) for in-person voter identification, they conditioned requiring such ID on conditions which are unmet in S.B. 14. In particular, the Commissioners recommended requiring photo ID of voters only if: (1) states assume the responsibility to seek out citizens and provide them with an ID free of charge; (2) states assume the responsibility to seek out unregistered citizens and register them and automatically update the registration of citizens when they move; and (3) states allow citizens without a photo ID to vote by signing an affidavit under penalty of perjury for the first two federal elections following adoption of the photo ID.

S.B. 14 does not actively seek out Texans who lack a photo ID to provide them with an ID free of charge. Instead, it requires that an eligible voter seeking a fee waiver complete a complex bureaucratic process in which the person must state that he is obtaining an ID pursuant to Section 63.001(b) of the election code, and present a valid voter registration certificate or submit a registration application to the department.

Tellingly, even President Carter and Secretary Baker, the Commission's co-chairs, rejected the strict photo ID requirement initially adopted in Georgia after concluding it was "discriminatory" because "it was costly or difficult for poor Georgians" to obtain the identification required for voting. Like the initial Georgia law rejected by President Carter and Secretary Baker, S.B. 14 devotes insufficient resources to address the burdens it would impose on Texas voters who lack photo IDs. The Carter-Baker Commission recognized that as many as 12% of voters lack photo ID—a percentage that translates to nearly 3 million Texas voters—and for many of these voters, difficulties in obtaining a photo ID could lead to disenfranchisement.

2000 H STREET, NW • WASHINGTON, DC 20052
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Exhibit S

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Further, S.B. 14 is inconsistent with the recommendations of the Carter-Baker Commission because S.B. 14 does not promote the widespread automatic voter registration that the Commission's majority contemplated in supporting Voter ID, and it does not provide an affidavit for those who lack photo ID.

While it is important to ensure that our elections are free of irregularities and fraud, the current proposal for a photo ID law in Texas is inconsistent with the recommendations of the Carter-Baker Commission.

Very truly yours,



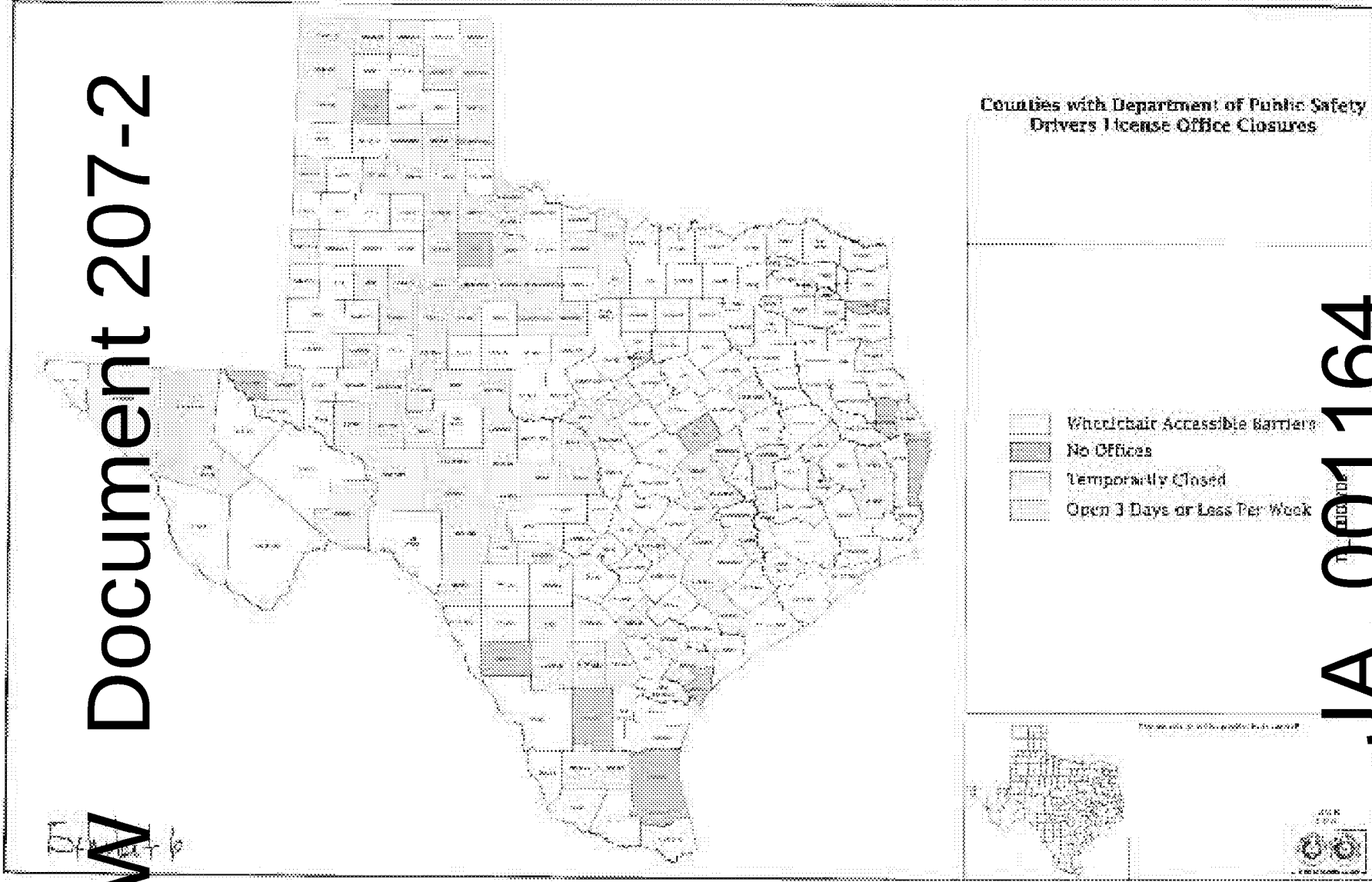
Spencer Overton

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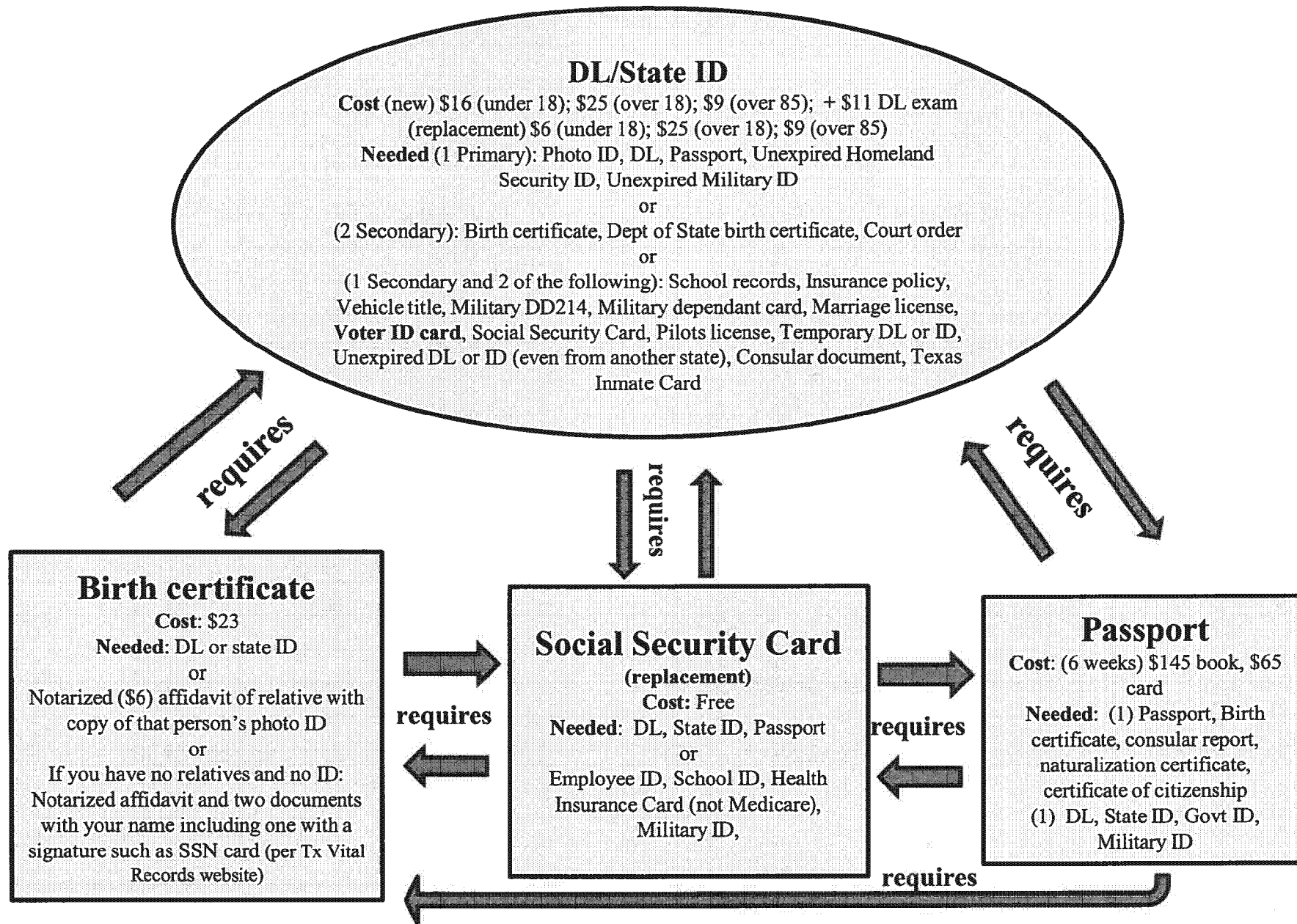
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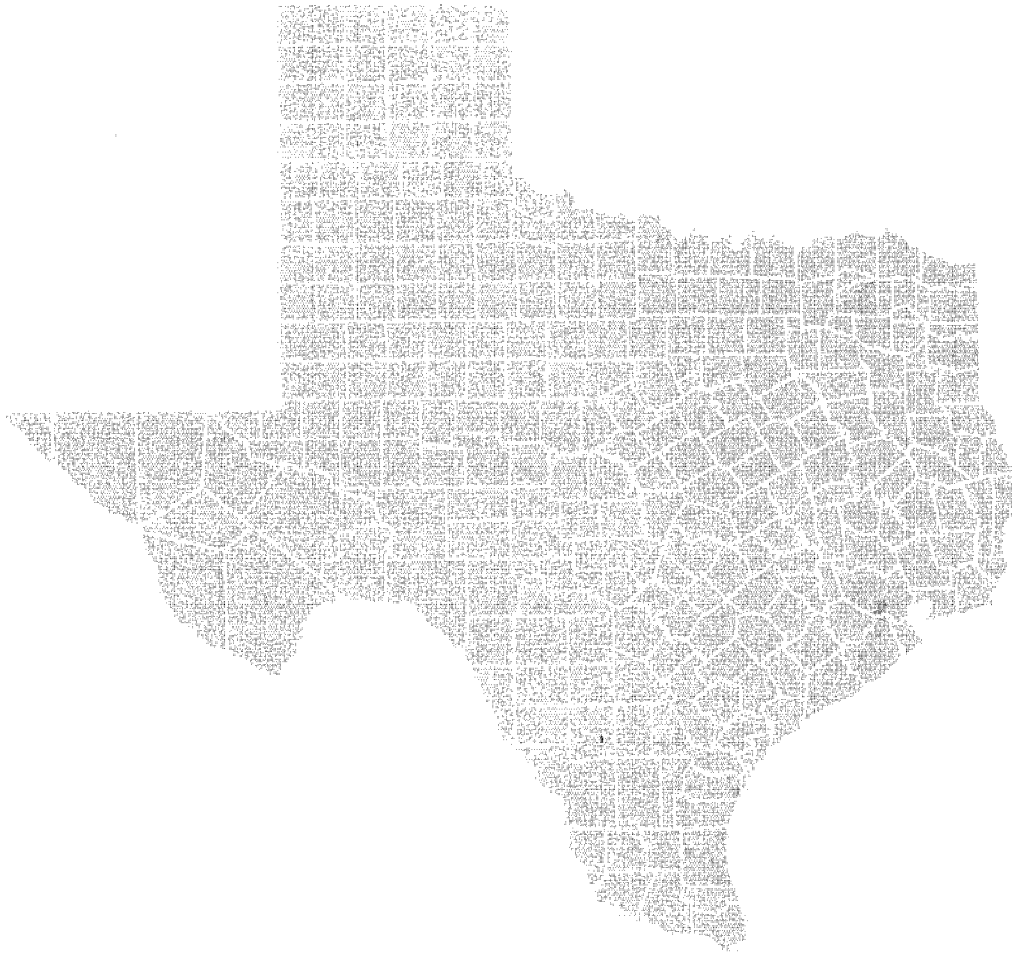
Exhibit 7

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LIGHTHOUSE OPINION POLLING
Fall 2010 Statewide Landscape Benchmark Survey

Special Presentation for Senate Republican Caucus

January 10, 2011



A Texas Based Public Affairs
Survey Firm Since 1989

Keats Norfleet 512-615-1118
Bryan Epstein 817-291-8744

Lighthouse
Opinion Polling And Research LLC

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Exhibit 8

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FALL 2010 STATEWIDE LANDSCAPE BENCHMARK SURVEY

1,200 Voters Interviewed • October 15-17, 2010 • ±2.9% Margin of Error • 95% Confidence Level

Actual Demographic Profile of Survey Respondents

Geographic Zones (Based on Actual General Election Turnout for 2006-2008)

19% Greater Houston
15% Metroplex East
13% Metroplex West
9% San Antonio Area
8% East Texas
8% Gulf Coast
8% Austin Area
6% The Border
5% Central Texas
5% Panhandle
4% West Texas

Gender

50% Male
50% Female

Actual Primary History (06-10)

36% Republican
32% Democratic
9% Both
24% None

Self-ID Profile of Survey's General Election Voters

Age Self-Profile of General Election Voters

Actual Voters	Est. 2010 Census
1% 18 – 24	10%
4% 25 – 34	21%
10% 35 – 44	19%
18% 45 – 54	19%
25% 55 – 64	15%
42% 65 & older	16%
1% Refused	

Partisan Self-Profile of General Election Voters

38% Republican
18% Leaning Republican
23% Democratic
10% Leaning Democratic
11% Independent

Ethnic Self-Profile of General Voters

77% White (includes Hispanic who self-ID as White)
8% Hispanic
6% Black
1% Asian-American
5% Other
3% Refused

State Bar

84%
7%
4%

2009 Texas Census

82% White including Hispanic
37% Hispanic / Latino ONLY
12%

Social Media Profile of General Election Voters

"How frequently do you use the following electronic communications?"

	Often	Sometimes	Rarely	Don't Use Them At All
"email?"	63%	12%	6%	20%
"Facebook?"	18%	11%	11%	60%
"On-line local newspaper?"	20%	18%	18%	44%

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Single most important problem facing Texas

	REP	DEM	
32%	45%	18%	Illegal immigration
25%	23%	26%	Jobs and the economy
14%	9%	20%	Quality of public school education
8%	4%	11%	Health care costs
6%	6%	6%	Property taxes
2%	1%	3%	Air and water pollution
4%	3%	5%	Crime and Drugs
1%	1%	1%	Traffic mobility
9%	8%	11%	Something else/Undecided

Immigration / Border Security Reform

"Do you favor or oppose passing immigration reforms in Texas similar to those recently passed in Arizona?"

	REP	DEM		White	Black	Hispanic
64%	81%	42%	Favor	68%	44%	35%
30%	13%	50%	Oppose	26%	42%	60%
6%	6%	8%	Undecided	6%	14%	4%

"Do you favor or oppose some form of amnesty for illegal immigrants who currently hold jobs in the U.S.?"

	REP	DEM		White	Black	Hispanic
41%	28%	57%	Favor	38%	42%	66%
53%	65%	37%	Oppose	55%	47%	30%
7%	7%	6%	Undecided	7%	11%	3%

"Do you favor or oppose continuing the policy of granting US citizenship for all children born in the United States regardless of the citizenship of their parents?"

	REP	DEM		White	Black	Hispanic
41%	24%	58%	Favor	36%	59%	61%
56%	72%	38%	Oppose	61%	33%	35%
4%	4%	4%	Undecided	3%	8%	4%

PHOTO VOTER ID Requirement

"Do you favor or oppose requiring a valid photo ID before a person is allowed to vote?"

	REP	DEM		White	Black	Hispanic
86%	94%	75%	Favor	86%	82%	83%
12%	5%	22%	Oppose	12%	17%	16%
2%	1%	3%	Undecided	2%	2%	1%

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Abortion

“And on **abortion**, would you say that abortions should be allowed under all circumstances, only under some circumstances such as rape, incest and danger to the mother, or not at all?”

	<u>REP</u>	<u>DEM</u>	
28%	16%	37%	Allow abortions under all circumstances
47%	53%	41%	Abortions only is cases of rape, incest, or danger to the mother
17%	25%	13%	No abortions at all
7%	6%	8%	Undecided

“Do you favor or oppose a **woman’s right to have an abortion?**”

	<u>REP</u>	<u>DEM</u>	
49%	33%	65%	Favor
42%	50%	28%	Oppose
10%	11%	7%	Undecided

“Do you favor or oppose “mandating that all women seeking abortions **must be shown a sonogram** prior to having their abortion?”

	<u>REP</u>	<u>DEM</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
51%	63%	39%	Favor	52%	44%	50%
41%	29%	53%	Oppose	40%	53%	45%
8%	7%	8%	Undecided	8%	3%	5%

Gambling

“Do you favor or oppose legalizing **casino gambling** in Texas?”

	<u>REP</u>	<u>DEM</u>		<u>White</u>	<u>Black</u>	<u>Hispanic</u>
49%	40%	58%	Favor	47%	59%	60%
45%	55%	38%	Oppose	47%	36%	39%
5%	5%	4%	Undecided	5%	5%	1%

Eminent Domain

“And based on what you know, do you agree or disagree that **property owners have a right to be reimbursed for reduced access to their property** when they have adjoining property that is taken through eminent domain?”

	<u>REP</u>	<u>DEM</u>	
81%	83%	79%	Agree
9%	7%	11%	Disagree
10%	10%	10%	Undecided

National Health Care Reform

"Do you favor or oppose the **national health care reform plan** passed by Congress earlier this year?"

	REP	DEM		White	Black	Hispanic
29%	8%	55%	Favor	25%	58%	47%
63%	86%	35%	Oppose	68%	23%	46%
8%	6%	11%	Undecided	8%	20%	8%

"And do you favor or oppose **requiring every American to buy or obtain health insurance?**"

	REP	DEM	
33%	15%	53%	Favor
60%	80%	39%	Oppose
7%	5%	8%	Undecided

"And **under the new health care reform plan**, do you feel the **quality of health care** in Texas will get better, worse or stay about the same?"

	REP	DEM		White	Black	Hispanic
18%	5%	35%	Better	13%	55%	34%
55%	79%	28%	Worse	60%	12%	37%
22%	12%	31%	Stay the same	22%	26%	27%
5%	4%	6%	Undecided	5%	8%	3%

"And **under the new health care reform plan**, do you feel the **cost of health care** in Texas will go up, go down or stay about the same?"

	REP	DEM		White	Black	Hispanic
71%	89%	48%	Costs go up	75%	52%	54%
7%	3%	13%	Costs go down	7%	8%	12%
17%	6%	33%	Stay the same	15%	26%	29%
5%	3%	7%	Undecided	4%	15%	4%

Texas Interested Citizens
Fall 2010 Statewide Landscape Benchmark Survey
October 15-17, 2010

8i. requiring a valid photo ID before a person is allowed to vote?

	TOTAL	GEOGRAPHIC ZONE											AGE				ETHNICITY		
		METRO EAST	METRO WEST	EAST TEXAS	HOUS TON	GULF COAST	SAN ANTON	AUSTN TEXAS	CENT TEXAS	THE BORDR	WEST TEXAS	PAN HANDL	18-44	45-54	55-64	65+	WHITE	BLACK	HISP ANIC
TOTAL	1200 100%	179 100%	156 100%	92 100%	225 100%	98 100%	107 100%	99 100%	65 100%	75 100%	45 100%	59 100%	168 100%	221 100%	295 100%	505 100%	911 100%	66 100%	116 100%
Q8I Favor	1028 85.7%	153 85.5%	143 91.7%	82 89.1%	195 86.7%	87 88.8%	87 81.3%	67 67.7%	60 92.3%	63 84.0%	40 88.9%	51 86.4%	148 88.1%	197 89.1%	257 87.1%	418 82.8%	787 86.4%	54 81.8%	96 82.8%
Oppose	148 12.3%	19 10.6%	9 5.8%	10 10.9%	27 12.0%	7 7.1%	20 18.7%	27 27.3%	5 7.7%	11 14.7%	5 11.1%	8 13.6%	18 10.7%	18 8.1%	37 12.5%	75 14.9%	108 11.9%	11 16.7%	19 16.4%
Undecided	24 2.0%	7 3.9%	4 2.6%		3 1.3%	4 4.1%		5 5.1%		1 1.3%			2 1.2%	6 2.7%	1 .3%	12 2.4%	16 1.8%	1 1.5%	1 .9%

(continued)

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Texas Interested Citizens
Fall 2010 Statewide Landscape Benchmark Survey
October 15-17, 2010

8i. requiring a valid photo ID before a person is allowed to vote?

	TOTAL	SEX		GENDER/PRIMARY						PRIMARY HISTORY		PARTISAN SELF-ID			WATCH FOX		USE EMAIL	USE FBOOK	ON-LN NEWS
		MALE	FE-MALE	MALE REP	MALE DEM	MALE NONE	FEM REP	FEM DEM	FEM NONE	REPUB L	DEMO CAN	DEMO/ LNDEM	REPUB LNREP	INDE PNDNT	OFTEN NEVER	RARLY	OFTEN	OFTEN	OFTEN
TOTAL	1200 100%	600 100%	600 100%	221 100%	194 100%	143 100%	213 100%	186 100%	139 100%	434 100%	380 100%	395 100%	677 100%	128 100%	506 100%	391 100%	752 100%	216 100%	237 100%
Q8I Favor	1028 85.7%	512 85.3%	516 86.0%	207 93.7%	144 74.2%	125 87.4%	199 93.4%	142 76.3%	123 88.5%	406 93.5%	286 75.3%	285 72.2%	636 93.9%	107 83.6%	465 91.9%	289 73.9%	639 85.0%	176 81.5%	200 84.4%
Oppose	148 12.3%	78 13.0%	70 11.7%	12 5.4%	45 23.2%	15 10.5%	11 5.2%	37 19.9%	13 9.4%	23 5.3%	82 21.6%	104 26.3%	31 4.6%	13 10.2%	34 6.7%	90 23.0%	103 13.7%	35 16.2%	34 14.3%
Undecided	24 2.0%	10 1.7%	14 2.3%	2 .9%	5 2.6%	3 2.1%	3 1.4%	7 3.8%	3 2.2%	5 1.2%	12 3.2%	6 1.5%	10 1.5%	8 6.3%	7 1.4%	12 3.1%	10 1.3%	5 2.3%	3 1.3%

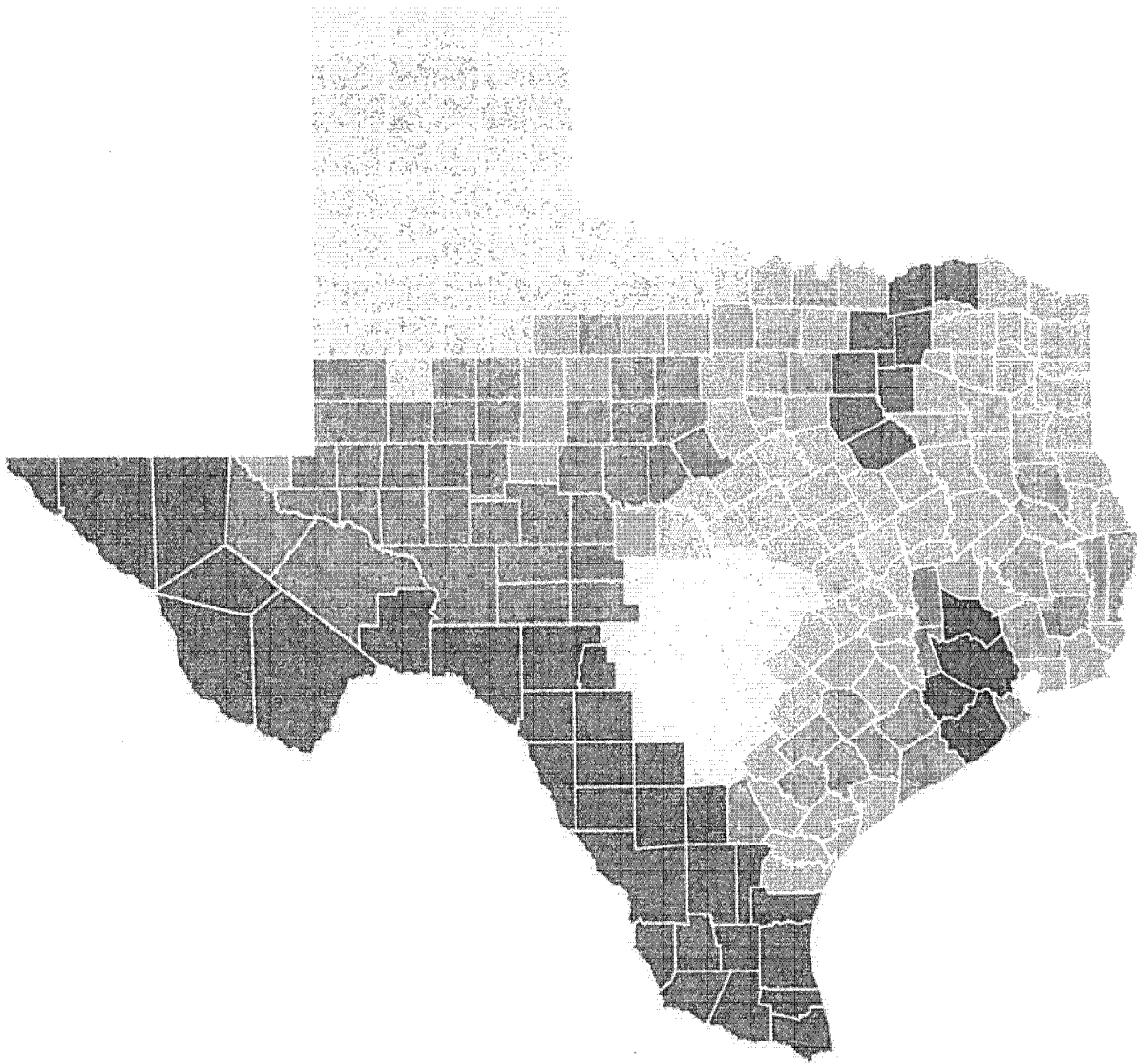
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Survey Geographic Zones



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RLW Document 207-2 F

Driver License Offices in Texas
January 24, 2011



Rebecca Davio

JA_001174 Exhibit 9

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Congress of the United States
Washington, DC 20515

January 25, 2011

Chairman Van de Putte,

We are saddened that the promulgation of a misguided voter identification law has been given precedence in the 2011 Texas Legislative agenda over education, job creation, and providing Texans with access to affordable, quality healthcare. The people of Texas deserve to have their legislature focus your time on issues that will improve their lives, rather than one which is more likely to worsen them.

Study after study has found almost no evidence of organized voter fraud, in Texas or anywhere in the country. There is simply no reason to believe that voter fraud is a pressing problem for Texas. But we know with certainty that voter identification laws prevent eligible voters from exercising their constitutional rights. Research has shown that a law like SB 14 would disenfranchise tens or even hundreds of thousands of Texans, the majority of them people of color, senior citizens, the disabled, students, and low income voters.

We write to urge the Texas Senate to redirect its efforts toward legislation which would better serve your constituents and the State of Texas. There is so much good you can do. Please, oppose SB 14.

Sincerely,

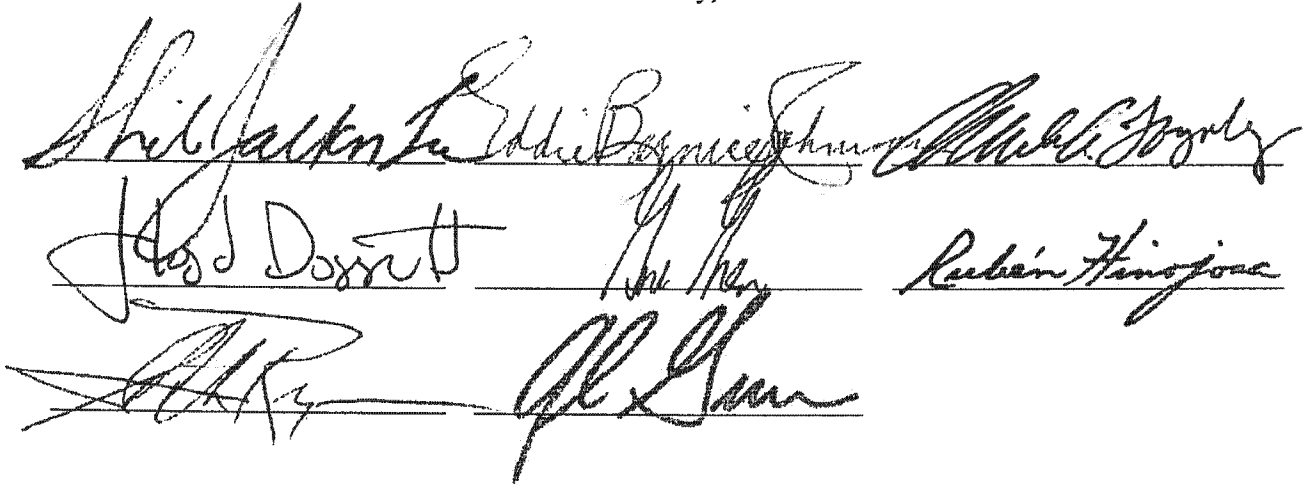


Exhibit 10

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SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT (SVREP)

**TESTIMONY OF SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT
(SVREP) ON SB14**

**Senate Committee of the Whole
82nd Legislature Regular Session
Austin, Texas**

Tuesday, January 25, 2011

Testimony Prepared and Presented by
Lydia Camarillo
SVREP Vice President

SVREP

National Office

206 Lombard Street, 2nd Floor

San Antonio, Texas 78226

210-922-0225

www.svrep.org

Exhibit 11

**THE TESTIMONY OF
SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT (SVREP)**

TX_00003721
ON SB14
JA_001176

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SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT (SVREP)

SVREP Vice President

Lt Governor Dewhurst, Senator Duncan, Senator Van De Putte and Senate members of the 82nd Legislative session, Senate Committee of the Whole (COW), I am Lydia Camarillo, Vice President for Southwest Voter Registration Education Project (SVREP), the largest and oldest nonpartisan, nonprofit organization of its kind with a simple mission to increase the number of Latino and other ethnic communities who are registered to vote and participate in America's democracy as full and equal partners. Founded in San Antonio, Texas, by the late William C. Velásquez, SVREP has registered over 2.5 million Latino voters throughout Texas, the southwest and, since 2000, the southeast. SVREP has won over 80 voting rights lawsuits and has prepared over 100,000 leaders to organize their communities. In *Gonzalez vs. Arizona*, Mexican American Legal Defense and Educational Fund (MALDEF) brought a Federal Court challenge to Arizona's voter registration and identification provisions of Arizona's Proposition 200. SVREP is one of the plaintiffs in that case.

SVREP vehemently opposes **SB14**. We firmly believe that SB14 will disenfranchise hundreds of thousands of Texas voters – citizen's whose right to vote will be harmed. Simply speaking, the right to vote and their constitutional right to vote will be violated and their vote will not be counted. We urge the Senate to focus on the real emergencies the State of Texas faces this legislative cycle – 2011 - and avoid spending precious time and resources on a proposed bill that is not only redundant, accomplishes nothing to fix the alleged voter-in person fraud, is partisan in nature, violates the Voting Rights Act and American citizens' right to vote. SB14 will also cost Texas tax payers as much as \$5 million per year to implement. This is at time when we are cutting services in public education and our budget shortfall is expected to be well beyond \$15 billion. We believe that as many as 2 million Texans –American citizens - could be disenfranchised if SB14 passes and is made into law.

Many of the voters who are disenfranchised will be Latino, African American, Asian, Native America and white elderly voters. We also believe that this legislation will have little impact in reducing alleged in-person voting fraud that this bill is purportedly designed to prevent. A two-year \$1.4 million investigation by Attorney General Greg Abbott in 2006 demonstrated that in-person voting fraud is virtually non-existent in Texas under existing voting regulations and laws.

Voter Impersonation fraud does not exist – despite the State of Texas spending millions of dollars to investigate and stop voter fraud, the Attorney General of Texas has never prosecuted a single case of a voter impersonating another voter at the polls.

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SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT (SVREP)

Voter ID does not address most common election fraud or other more common election related problems. Thousands of eligible Texans are denied the right to register to vote and many eligible voters are turned away from the polls every election. We need to spend time ensuring that every eligible Texan who has the right to vote, votes, instead of wasting time and resources addressing a nonexistent issue.

This legislation will be costly for the State and Counties to implement. It estimated that it will cost the Department of Public Safety (DPS) \$3 million per year to provide the “free” cards. A voter id card that is clearly not free. It will cost an additional \$2 million per year for public education. Balance this cost with the anticipated \$15 billion budget shortfall the state faces this year (the \$5 million price tag for SB14 is 33% of this deficit). Texas tax payers are expected to have fewer resources for public education, and pay up to \$5million a year for a voter ID card that will not stop the alleged, but non-existent, in person voters’ fraud. The Loss of revenue from issuing voter ID cards, money spent training Poll worker could be used to build new schools, our infrastructure, create new jobs and help Texans keep their homes.

Texas legislators must take affirmative steps to promote the participation of American citizen’s voting and participating in America’s democracy. Texas legislators should also oppose legislation that serves to confuse citizens, contradict federal law, creates an undo financial burden to poor white, Latino and African American registered voter, and creates an undo financial burden for Texas counties. These Texas Counties are facing their own financial shortfalls. SB14 will further aggravate this burden, and the burden to county and state taxpayers.

SVREP opposes this bill because it would have a negative impact on Latino voter registration and potentially violate federal election laws including the Voting Rights Act, the National Voting Registration Act, and the Help America Vote Act. This bill will only serve to depress voter registration of Latino, other ethic communities, and the poor. For these reasons urges your opposition to SB14, too.

SB14 will create redundancy and multiple identification requirements for voters. SVREP believes that Texas law provides for proof of identification and this bill will only create confusion; create a more burdensome voting experience for both the voter and the poll workers. Texas law requires that voter registration applicants must affirmatively mark their US citizenship under penalty of perjury and submit their affidavit application either in person or by a business reply postcard. Elec. Code, Section 13.121. In our extensive experience in registering voters, over the last 37 years, it is rare for a voter to have their naturalization, passport or birth certificate on hand when a voter registers to vote. Many eligible United

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SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT (SVREP)

different documents. A voter that has had his or her wallet stolen, a voter that does not drive, or newly married and not updated his or her driver's license should not have their right to vote infringed upon.

SVREP's analysis of SB14 clearly reveals that this bill would only contradict the spirit of the author's intent which we believe is to ensure that voter's rights are protected, facilitate the voting process and increase the universe of eligible voters who are voting and participating in America's democracy. The intent of this bill could only be to decrease the number of American citizens who take the opportunity to vote in Texas elections and it would be harmful to Latino voters.

Thank you Lt Governor, Senators, we urge you to oppose **SB14**. The bill will only suppress Latino, African American, and poor and elderly white voter registration and contradict Federal election laws.

Mr. Dewhurst, Senators, we stand ready to work with you to find solutions to the budget shortage, providing a quality education and making sure that Texas prospers economically and socially. Senators let us get to work for what is really at stake, let us not waste any more time on SB14.

Respectfully submitted and thank you.

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League of United Latin American Citizens

LUIS ROBERTO VERA, JR.
National General Counsel

January 12, 2011

To: The Honorable State Senators of Texas
Re: Committee Considering Voter Identification Bill

**LULAC's OBJECTION AND ARGUMENT AGAINST
VOTER IDENTIFICATION BILL**

LULAC through it's National and State of Texas board of directors unanimously call on you, the State Legislators of Texas to stand with us in protecting the Voting Rights of all the citizens of Texas. In addition LULAC ask you to protect the voting rights of the Latino voters as mandated by sec. 5 and sec. 2 of the Voting Rights Act. Specifically, LULAC argues against the passage of any voter identification bill until such time as Texas can guarantee zero tolerance of voter discrimination and implement all protection in the Voting Rights Act and as ordered by the US Supreme Court. Given the history of Texas, this will be a long time in coming.

Recent History:

In 2005, 2006, 2007, the Voting Rights section of the Department of Justice filed 10 separate lawsuits against Texas. All 10 suits were for discrimination against Mexican Americans and 1 of the suits involved discrimination against Mexican Americans and African Americans combined. There was also a separate lawsuit in Harris County for discrimination against Vietnamese Americans. All suits were successful against Texas and Texas entered into consent agreements to correct the discrimination. During this same time period several suits were brought by LULAC and MALDEF against Texas and separate individual government entities for discrimination against Mexican Americans. In, ***LULAC v. Perry*** the US Supreme Court found that Texas purposely discriminated against Mexican Americans in congressional district 23 for nothing more than political purposes. The US Supreme court ordered a remedy. In ***Farmers Branch, Texas***, the federal courts have enjoined the City from implementing discriminatory ordinances, which has the effect of targeting people of Mexican descent. The federal court found the ordinance unconstitutional. Texas has spent millions of taxpayer dollars to defend and remedy these suits.

Exhibit 12

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Below are some excerpts from the *US v. Hale County TX* complaint brought by the Voting Rights section for purposeful discrimination against Mexican Americans. Hale County entered into a consent agreement to correct the problem.

12. Section 208 of the Voting Rights Act provides that "[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." **42 U.S.C. § 1973aa-6.**

13. In violation of Section 208, the Defendants, their employees, and agents have failed to allow voters the assistants of their choice through the following practices:

- a) Prohibiting family members and poll watchers from providing assistance to limited English proficient Spanish-speaking citizens.
- b) Requiring Spanish-speaking voters to be assisted by poll workers who either did not speak Spanish or did not speak Spanish fluently.
- c) Failing to accurately and adequately instruct poll workers on their duty to permit voter's assistance from any person of their choice, other than their employers or union officials.

14. Defendants' failure to allow voters to receive necessary assistance from any person of their choice, other than their employers or union officials, as described herein, is a violation of Section 208 of the Voting Rights Act. **42 U.S.C. § 1973aa-6.**

15. Unless enjoined by this Court, Defendants will continue to violate Section 208 by failing to provide Hale County's voters with the opportunity to receive assistance from persons of the voters' choice and by limiting the scope of the assistance voters can receive from their chosen assistants.

SECOND CAUSE OF ACTION

16. The Plaintiff hereby alleges and incorporates by reference paragraphs one through sixteen above.

17. Under Section 203 of the Voting Rights Act, "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" that Defendants provide in English must also be furnished in Spanish to Spanish-speaking voters. **42 U.S.C. § 1973aa-1a(c).**

18. In violation of Section 203, the Defendants, their employees, and agents have not effectively provided election-related materials and information in Spanish to limited English proficient Hispanic citizens as required by Section 203 of the Voting Rights Act, including, but not limited to, the following:

- a) Failing to recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing effective language election information and assistance to limited English proficient Spanish-speaking citizens that it provides in English; and
- b) Failing to provide certain election-related information that it provides in English, including, but not limited to, information publicizing elections, in a manner that assures Spanish-speaking voters an effective opportunity to be informed about election-related activities.

19. Defendants' failure to provide effective Spanish language materials and information, as described herein, constitutes a violation of Section 203 of the Voting Rights Act, **42 U.S.C. §1973aa-1a(c)**.

NVRA (National Voter Registration Act)

Section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form of a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.

Before Consideration of Voter ID Bill

Texas must put a premium on election judges that are bi-lingual and that represent a cross section of the community, Hispanic, African American, Asian.... etc.

Under Sec. 5 of the VRA, Texas has the burden to prove that any voter id plan is not discriminatory. With this in mind, Texas needs to have solid numbers of who does and who does not have "valid" ID's.

In *Georgia v. Ashcroft* the ID requirement was found to be unconstitutional until Georgia made ID's available for free, including secondary documents (birth certificates ...etc) and implemented a strong voter education program, including how to get ID's was in place. The court also ordered a sufficient time period for voters to be educated and able to get their ID's.

It is clear from the Georgia decision that voter id in Texas could not be done this year or at any time, until the legislature first allocates the resources and design a plan to provide free id's together with all secondary documents, and Texas must fund and implement a strong voter education program for the voter id process together with the other protections ordered by the court.

Options:

- Give everyone a free ID and supporting documents, ie. Birth certificates
- If the presumption is that having valid ID (drivers license) is citizenship, then provide automatic voter registration when a driver's license or other "valid" id is issued.

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- Pursuant to the national voter registration act, Texas must make photo ID's available for free wherever voter registration is available.
- Put premium on election judges that are bi-lingual and represent cross section of community, Hispanic, African American, Asian....etc.

To abandon a system that has fairly allowed Latino's to gain political strength in Texas and substitute in its place a system that has the potential of greatly increasing the voting strength of the Anglo population and dilutes Latino votes is likely to "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." **Miller v. Johnson, 515 U.S. 900, 926 (1995) (quoting Beer v. United States, 425 U.S. 130, 141 (1976)).**

In light of the fact that the proposed change brought forward by the Texas legislative committee is likely to violate both section's 5 and 2 of the federal Voting Rights Act, LULAC urges you to NOT ADOPT the proposed voter id bill.

LULAC has participated in over 400 court ordered elections in Texas since adoption of the Voting Rights Act and will vigorously challenge any voter id bill. LULAC is ready to pursue an objection before the voting rights section of the department of justice and if necessary the federal district courts to stop any voter id bill until such time as Texas adheres to LULAC's objections, recommendations and options.

Respectfully submitted on behalf of the National and Texas State Board of the League of United Latin American Citizens.

/S/ Luis Roberto Vera, Jr.
Luis Roberto Vera, Jr.

cc: Margaret Moran, LULAC National President
Joey Cardenas, LULAC Texas Director

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